

PUBLIC NOTICE: 2012-40

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT**

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Proposed Administrative Penalty Assessments and Opportunity to Comment

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for various violations of the Act. EPA may issue such Orders after the commencement of a Class I or Class II penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(A).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits", 40 C.F.R. Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a Hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On September 18, 2012, EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Burton F. Clark, Inc., located at 5057 State Highway 12 in Norwich, New York, 13815; Docket Number CWA-02-2012-3311; and served on Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007, (212) 637-3247. The Complaint proposed a penalty of **\$32,000** for failure to obtain coverage under the NYSDEC Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, as required by the storm water regulations, and discharging without a Permit.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact Katherine Mann, Physical Scientist at (212) 637-4226, EPA Region 2, 290 Broadway, 20th Floor, New York, New York 10007, and also send to the Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 on any written correspondence about this matter. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: September 28, 2012

**Dore LaPosta, Director
Division of Enforcement and Compliance Assistance**